

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO CAMPOS,

Defendant.

No. 10-CR-4103-DEO

**ORDER ACCEPTING RULE
11(c)(1)(C) REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEAS**

I. INTRODUCTION AND BACKGROUND

On November 16, 2010, a two count Indictment (Docket No. 2) was returned in the above-referenced case.

Count 1 of the Indictment charges that between about October 11, 2008, and April 11, 2009, in the Northern District of Iowa and elsewhere, the defendant, Francisco Campos, knowingly received and attempted to receive visual depictions of minors engaged in sexually explicit conduct, using a means and facility of interstate and foreign commerce.

This was in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

Count 2 of the Indictment charges that between about October 8, 2008, and May 26, 2009, in the Northern District of Iowa, the defendant, Francisco Campos, knowingly possessed and attempted to posses visual depictions of minors engaged in

sexually explicit conduct, said visual depictions having been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce, namely, a Seagate hard drive (from an Acer computer) that had been manufactured outside the state of Iowa, and said visual depictions having been transported using a means and facility of interstate and foreign commerce.

This was in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

On January 19, 2011, defendant Francisco Campos appeared before Chief United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Counts 1 and 2 of the Indictment.

In the Rule 11(c)(1)(C) Report and Recommendation (Docket No. 21, 01/19/2011), Chief United States Magistrate Judge Paul A. Zoss recommends that defendant Francisco Campos's guilty pleas be accepted. Waiver of objections to Judge Zoss's Report and Recommendation were filed by each party (Docket Nos. 22 and 23). The Court, therefore, undertakes the necessary review to accept defendant Francisco Campos's pleas in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Rule 11(c)(1)(C) Report and Recommendation have been filed, and it appears to the Court upon review of Chief Magistrate Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Chief Magistrate Judge Zoss's Rule 11(c)(1)(C) Report and Recommendation (Docket No. 21), and accepts defendant Francisco Campos's pleas of guilty in this case to Counts 1 and 2 of the Indictment (Docket No. 2).

IT IS SO ORDERED this 2nd day of February, 2011.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa